

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMERICAN MANUFACTURERS MUTUAL
INSURANCE COMPANY,

Plaintiff,

vs.

TOWN OF NORTH BROOKFIELD,

Defendant.

Civil Action No. 03-40266-TSH

PLAINTIFF'S MOTION TO STRIKE THE TOWN'S
REPLY FACTS AND ACCOMPANYING AFFIDAVITS

Plaintiff, American Manufacturers Mutual Insurance Company ("AMMIC"), hereby moves this Court to strike Defendant's Reply To Plaintiff's Response To Defendant's Local Rule 56.1 Statement of Material Facts Not In Dispute And Statement Of Additional Facts In Opposition To Defendant's Motion For Partial Summary Judgment ("Town's Reply Facts") (docket entry no. 94).

As grounds for its Motion, AMMIC states that the Town's Reply Facts violate Local Rule 56.1 and should therefore be either struck or addressed by another remedy that this Court deems just and proper. In further support of its Motion, AMMIC submits its accompanying Memorandum of Law.

CERTIFICATION UNDER LOCAL RULE 7.1

The undersigned hereby certifies that counsel have conferred and have attempted in good faith to resolve or narrow the issue presented by this motion.

Respectfully submitted,

**AMERICAN MANUFACTURERS
MUTUAL INSURANCE COMPANY**

By its attorneys,

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